

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 19, 2004

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JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 19, 2004

The Senate met in regular session at 10:04 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Laura Thomas.

The Journal of Friday, April 16, 2004, was approved.

INTRODUCTION OF RESOLUTION

[Senate Resolution 177](#), by Gronstal, a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program.

Read first time and referred to committee on **Rules and Administration**.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Joint Resolution 2010](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:09 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:11 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 177](#), a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 177](#).

[Senate Resolution 177](#)

On motion of Senator Gronstal, [Senate Resolution 177](#), a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 177](#), which motion prevailed by a voice vote.

The Senate stood at ease at 10:18 a.m. until the fall of the gavel for the purpose of party caucuses.

These Senate resumed session at 2:10 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gaskill requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, for the day, on request of Senator Zieman.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

[House File 2302](#)

Senator Zieman called up for consideration [House File 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment [S-5382](#) to Senate amendment [H-8568](#), filed April 16, 2004.

Senator Zieman moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Zieman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2302](#)), the vote was:

Yeas, 37:

Angelo	Gronstal	McCoy	Sievers
Beall	Hatch	McKibben	Stewart
Behn	Horn	Putney	Tinsman
Black	Hosch	Quirnbach	Ward
Connolly	Houser	Ragan	Warnstadt
Courtney	Iverson	Redfern	Wieck
Dearden	Kibbie	Schuerer	Zieman
Dotzler	Kreiman	Seng	
Fraise	Lamberti	Seymour	
Gaskill	Lundby	Shull	

Nays, 11:

Boettger	Drake	Johnson	Rehberg
Bolkcom	Dvorsky	Kettering	Veenstra
Brunkhorst	Holveck	Miller	

Absent, 2:

Larson	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that [House File 2302](#) be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2004, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2303](#), a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 19, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 2390](#), a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability.

[House File 2555](#), a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

ALSO: That the House has on April 19, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

[Senate File 2298](#), a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions. ([S-5383](#))

The Senate stood at ease at 2:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:53 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 178](#), by Zieman, a resolution requesting the general assembly to pass legislation requiring background checks for carnival employees.

Read first time and referred to committee on **Rules and Administration**.

[Senate Resolution 179](#), by McKibben, a resolution designating May 2004 as Huntington's Disease Awareness Month.

Read first time and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

[Senate File 2310](#), by Iverson and Gronstal, a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:54 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:56 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:58 p.m. until 8:30 a.m., Tuesday, April 20, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Angie Boedeker, Mason City—For achieving the dual honor of being a University of Northern Iowa Presidential Scholar and for being selected to present her senior thesis at a university conference. Senator Ragan (4/20/04).

Casper and Imogene Estrem, Ames—For celebrating your 60th wedding anniversary. Senator Quirnbach (4/23/04).

Emily Ita, Burlington—For being awarded the Presidential Scholarship to Coe College. Senator Courtney (4/20/04).

Esther Kingsbury, Ames—For celebrating your 95th birthday on April 25, 2004. Senator Quirnbach (4/25/04).

Esther Vogel, Independence—For celebrating your 103rd birthday on April 19, 2004. Senator Rehberg (4/19/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 19, 2004, 10:00 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed [SR 177](#).

Adjourned: 10:05 a.m.

ALSO:

Convened: April 19, 2004, 3:45 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member (excused).

Committee Business: Passed SRs 178 and 179, and [SF 2310](#).

Adjourned: 3:50 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 180](#), by Tinsman, a resolution requesting the Senate leadership to establish a blue ribbon elder services planning group to develop a plan for unifying the state administration of services utilized by elderly Iowans who are age sixty or older.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

[Senate Resolution 178](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate Resolution 179](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

[Senate File 2310](#)

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 178](#), a resolution requesting the general assembly to pass legislation requiring background checks for carnival employees.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 179](#), a resolution designating May 2004 as Huntington's Disease Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2310](#), a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 2004:

Senate Files 2179, 2183, 2289, and 2306.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

[S.F. 2119](#) – Relating to obligations secured by collateral required to be pledged by banks to the Treasurer of State in order to secure the deposit of public moneys, and providing an effective date.

[S.F. 2173](#) – Concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

[S.F. 2208](#) – Relating to the powers and duties of the Department of Agriculture and Land Stewardship, and making penalties applicable.

[S.F. 2269](#) – Relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making

changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates.

[S.F. 2272](#) – Relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

GOVERNOR'S VETO MESSAGE

April 16, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit [Senate File 2279](#), an act relating to petition and operating hour requirements for a satellite absentee voting station.

I am unable to approve [Senate File 2279](#). When we live in a state and country where less than 50 percent of eligible voters are registered to vote and less than 50 percent of those registered actually make an effort to vote, I believe we should be examining ways to make it easier for our citizens to participate in the election process. As President John F. Kennedy said, "The right to vote in a free American election is the most powerful and precious right in the world."

We should be looking for opportunities to increase participation in the electoral process. Therefore, our legislative efforts should not create additional hurdles to participation in the electoral process. Satellite voting provides Iowans with another important opportunity to exercise their right to vote. We should not be making that opportunity more difficult. [SF 2279](#) is a partisan bill that makes it harder, not easier, to vote by creating petition requirements that are far more difficult to attain.

Further, this bill sets a different standard for urban legislative districts than for rural legislative districts in the number of signatures required to set up a satellite voting station. Each legislative district has the same number of constituents. However, if candidates' districts have different sized cities, the petition requirements for a satellite voting station will be different. The system established by this bill is inequitable and discourages voter participation.

For the above reasons, I hereby respectfully disapprove [Senate File 2279](#).

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

S-5383	S.F. 2298	House
S-5384	S.F. 2298	Jeff Angelo